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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 18th day of June 1998

Before

THE HON'BLE MR.JUSTICE CHANDRASHEKARAIHAH

W.P.No:28155/1997

Between:

Mr.AbdulRahaman alias Irshad
Ahamed Khan, aged bout 46 yrs.
77, Mosque road, Fraser town,
Bangalore-5, rep. by his PA Holder,
Mr.irshad Ahmed. ... Petitioner;

(By Sri.Udaya Holla)

And:

Bangalore Mahanagara Palike,
represented by his
by its Commissioner. ...Respondent ;

(By Sri.K.N.Putte Gowda)

Writ Petition is filed under Arts.226 and
227 of the Constitution praying to direct the
respondent not to take any action to demolish the
building bearing No.77, Mosque road, Fraser town,
Bangalore-5.

This petition coming on for preliminary
hearing in B group this day the Court made the
following:-

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O R D E R

18-6-1998

Sri.K.N.Putte Gowda, learned counsel is directed to take notice for the respondent. Accordingly, he appeared for the respondent.

2. The respondent Corporation issued a notice dated 22-9-1997 published in the daily newspaper stating that the petitioner and others are constructing buildings in violation of the sanctioned plan. This notice gave rise to the petitioner to file this petition.

3. The learned counsel for the petitioner submitted that there were small deviation while constructing the building and the same has been regularised by the Corporation by levying compounding fee. On these facts, it is submitted that there is no reason for the ^{respondent} ~~petitioner~~ to publish a notice stating that the petitioner has violated the building plan while constructing the building. If really, the petitioner has constructed the building contrary to the approved plan or ^{deviation} ~~as found~~ has not been regularised or compounded, it is open for the Corporation to pass an order under sec.321 of the Act, after due notice to the petitioner. In the case on hand,

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there is no such order passed by the Corporation.
Therefore, there is no reason for the petitioner to
apprehend that there is ^{any} ~~no~~ threat of demolition of
his building without passing an order under sec.321
of the Act.

In the light of the observations aforesaid,
writ petition is disposed of.

Sd/-
JUDGE



Hsf.

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